

## **Abstract**

### **Private-law aspects of compulsory vaccination**

The subject of this thesis is the legal regulation of compulsory vaccination from the perspective of private law. Although it can seem that it is only public-law theme, the opposite is true. The compulsory vaccination which the persons undergo according to the law means some kind of intervention into human rights and fundamental freedoms. On the other hand this limitation has benefits for whole society, because it provides elimination of highly-contagious infectious diseases that can often cause death. Despite the fact that the primary objective of the vaccination is to protect the health of the individual and whole society, there may be situations when a person is harmed due to the vaccination. The question is who is responsible for this caused harm. And this responsibility for harm which is being connected with vaccination means private-law overrun of this institute.

In the beginning of my thesis I focus on the creation of the vaccination process itself and I introduce the basic institutes, which are public health, collective immunity, permanent contraindication or possible unwanted effects. Then I focus on obligation to be vaccination, non compliance of it and possible sanctions, which can be imposed on person, who defaults the obligation. The main topic is already mentioned question of liability for harm caused due to compulsory vaccination according to current legislation and according to previous legislation of Civil Code 1964 as well. I present liability of vaccine producer and after that I analyze possibility of states liability in this case. Then I focus on legal regulation of liability in Germany and Hungary and I mention opinion of WHO on this problem. The thesis also includes the interpretation of individual provisions relating to liability under the Convention on Human Rights and Biomedicine. Then follows chapter which deals with fundamental judgments, especially judgments of Constitutional Court and Supreme Court.

In the conclusion of this thesis I follow up the possible future progression of the existing legal regulation of liability for harm caused in contexts with compulsory

vaccination. I analyze the submitted government bill and I evaluate his contribution to society.

In view of urgency of resolution of this problematic I hope that prepared bill will be adopted and it will contribute to the satisfaction of society that desperately calls for this change.

**Key words:**

Compulsory vaccination, harm caused due to compulsory vaccination, liability.